

**Village of Sleepy Hollow  
Planning Board Meeting - APPROVED  
November 15, 2012**

The meeting was called to order at 8:06pm by Glenn Rosenbloom, Chairman.  
The Chair noted that a quorum was present.

Present:               Ed McCarthy  
                          Glenn Rosenbloom, Chairman  
                          Hugh Jones  
                          Isabel Mendez  
                          Nicholas Cicchetti

Absent:               Penny Herbert

Also Present:       Janet Gandolfo (Village Attorney)  
                          Sean McCarthy (Village Building Inspector)  
                          Shailesh Naik (Charles Manganaro/Village Engineer)  
                          Owen Wells (VHB Engineering/Village Planners)  
                          Mary Gerlanc (Recording Secretary)

**Announcements** - There were no announcements.

**Proposed Agenda:**

<b>1) A &amp; L Properties</b>	<b>332-340 No. Broadway</b>	<b>Proposed addition &amp; alteration</b>
<b>2) C.A.R.S. Inc.</b>	<b>333 No. Broadway</b>	<b>Proposed paint booth</b>
<b>3) Approval of Minutes</b>		<b>October 18, 2012</b>

<b><u>1) A &amp; L Properties</u></b>	<b><u>332-340 No. Broadway</u></b>	<b><u>Proposed addition &amp; alteration</u></b>
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This is a continuation from the previous meeting.

William Simeoforides, the architect for this project, represented the application. He passed out drawings with elevations to the Board.

Mr. Simeoforides stated he had taken the Board's suggestions and made some clarifications on the plans. He stated the loading zone/loading dock area is now enclosed, so that people can pull in by car, unload and enter through new double doors into the lobby. This is in addition to the main entrance.

Mr. Simeoforides indicated areas on the drawing where he created a low wall because there is a level difference between certain sections. This wall would match the existing building. Lighting would be added in the corner to illuminate the entrance.

In the parking lot across the street, he incorporated Mr. McCarthy's suggestion and added a handicapped parking space. This reduced the number of total parking spaces to 11 spaces. Mr. Simeoforides also stated he relocated the garbage bin, which was on the sidewalk, to a new area in the corner of the parking lot next to the handicapped spot.

The applicant is also adding lighting in the corners and some new landscaping around the perimeter.

The Chair stated the applicant had indicated he was going to put new pavement or blacktop to the parking area.

Mr. Simeoforides referred this question to the owner, Antonio Rodriguez, who stated it had been blacktopped two years prior. Mr. Simeoforides stated that new striping would be done in the parking area.

Mr. Simeoforides stated that he had added two new bathrooms to the second floor, which he thought were needed by Code. He also indicated schematically on the plans, possible configuration for the storage units on the second floor. The sizes of the storage units shown were 7' x 7' and 8' x 8' and there were about 39-40 units in that configuration. The final configuration of the storage units would be designed by a different company.

The architect stated that the elevations he had just given to the Board hadn't changed much. Again, he stated that the current building is a square building, which takes up most of the property. They have proposed a second-story addition, which takes up most of the entire building as it is now. On the two corners, they will extend the brick up. One being a new entrance lobby and the other an egress stair for the second floor. In between would be a stucco grid addition with 4' x 4' windows.

He indicated two yellow lines on the drawings. One was a reveal separating the two structures. The other was a cornice, out of the same material above. He stated they would be removing the broken pediment that is over the Animal Hospital and re-do a simple 4-inch projection to make the entrance more modern. He showed the Gordon Street side and the side that butts up against the neighbor's building.

He stated these are the changes since they last appeared before the Planning Board.

The Chair asked if there were any questions.

Hugh Jones asked what kind of controls the Village would have over what is stored in the storage units. As he understood, the fire codes determine what could or could not be stored in those units. He would like to make sure there is a resolution or permission that lists the hazardous materials that cannot be stored at this facility.

Mr. Simeoforides stated that might be a Building Code issue.

Mr. McCarthy stated based upon the quantities and type of construction, it could be a Building Code issue.

Mr. Simeoforides stated this addition would be a mini-storage type of configuration similar to what is found in Manhattan. He brought photographs of different types of storage units, which he passed to the Board. He stated some are in strip malls. He mentioned Manhattan Storage, which he stated is located in 10-story building. People pull up in cabs and take their boxes up in an elevator to be stored.

The applicant does not expect to have large items or hazardous materials stored in this location.

He also mentioned Westies, which has a loading dock in the back for large items but they also have a main entrance where people bring in smaller items. That was what the applicant had in mind for their building. Although they are providing a loading dock, it is not a large one and won't accommodate a U-Haul.

Hugh Jones stated he is concerned that the storage facility abuts residential property and he wanted to make sure residents who live in the area are not threatened by hazardous items stored in the building.

Mr. Simeoforides stated the leases could probably be modified for this purpose.

Ms. Gandolfo stated perhaps a sign could also be posted with prohibited items. Mr. Simeoforides thought it would be better stated in a contract. Ms. Gandolfo agreed that both were a good idea.

The Chair asked if the loading door was still on the sidewalk.

Mr. Simeoforides said yes there is an existing overhead door. The reason the applicant needs a variance is because of the height of the overhead door. The height is 11-feet and he believed 14-feet was required for a loading zone.

Mr. McCarthy asked about the other dimensions of the loading zone door.

Mr. Simeoforides stated they have the width and the depth but not the height.

Mr. Cicchetti asked if they were going to change the height or go for the variance. Mr. Simeoforides stated they would go for the variance. He asked the owner of the building if he wanted to change the height of the door. The owner shook his head no. Mr. Simeoforides stated they didn't expect U-Hauls to pull into the loading area. They felt it was more of a car-type loading area.

Shailesh Naik stated the applicant also needed to determine the structure loading that could be allowed in that area.

Mr. Simeoforides agreed and stated he discussed this with the engineer.

Mr. McCarthy asked if Mr. Simeoforides had investigated the scope of the work that would be required on the existing lower level for support.

Mr. Simeoforides stated that the columns would continue all the way through. Mr. Rodriguez' shop will be affected as well as the Animal Hospital.

He stated he had a section detail but didn't think he would need to provide it to the Board of how it would cantilever over the existing brick, and in between the two, there would be a U-shaped aluminum channel, as a reveal, separating the two materials. He stated it had not been decided if it would be illuminated.

The Chair asked about the appearance of the building and if the stucco grid would be the façade of the 2<sup>nd</sup> floor. Mr. Simeoforides agreed for the most part it would be stucco except for the two corners with an extended brick up from the lobby and the egress stair.

The Chair asked if the stucco grid would look similar to the facing of the Sleepy Hollow Animal Hospital. Mr. Simeoforides stated that was not stucco, it was painted brick. He said he thought Mr. Rodriguez, the owner, wanted to sandblast on the side. He also stated that the "squares" on the building are stucco and that would repeat above on the second floor. He stated the front of the building is brick but currently painted white.

The Chair stated that at the last meeting, Janet Gandolfo mentioned that in terms of the look of the building; this might be something that should be referred to the Architectural Review Board.

Ms. Gandolfo agreed it would have to be referred to the Architectural Review Board.

The Chair asked if there were any other questions from the Board.

Hugh Jones asked if this had to go to the Zoning Board for a parking variance.

Glen Rosenbloom said yes and stated the Board would have to make recommendations for that variance. He also asked if the tax base implications were known for the additional footage and the business.

Sean McCarthy said the building would have to be assessed.

Janet Gandolfo stated once the building is built, the assessor would go in and reassess. It is not known at this point.

Hugh Jones asked if that was reasonable information to ask for, subject to voting on whether the Board approves it or not, even if it's only an estimate.

There was discussion regarding this point.

Janet Gandolfo stated this was a commercial enterprise and any assessment would be based on income and expenses. She asked Mr. Simeoforides if he could give an assessment of that.

William Simeoforides said they could research to see what the unit cost per square foot would be.

Ms. Gandolfo stated the village would have to know how much income is being received. This could be given to the assessor's office to review and he could give the Board an estimate.



Mr. Lentini indicated with arrows on the drawing, at what point he felt the odor and VOC's would be airborne. He stated the rate the VOC's ascend is different but he believed there would be a minimum odor from the process.

John Lentini provided a graph showing the amount of VOC's per gallon of paint Mr. Torena would be permitted, which by their calculations are close to a ton a year. He compared this to General Motors paint shop, where they painted cars 16 hours a day, 916 cars per day and were putting out 1,145,000 pounds per year of VOC's.

Mr. Lentini stated that Mr. Torena's application is a minor painting operation in comparison and limits him to an emission of only a couple hours a day. Mr. Lentini suggested if the Board backs this project, they could include restrictions on when Mr. Torena paints. He stated Mr. Torena doesn't need much time to paint and can go days or even weeks without painting. He thought it would be easy to regulate when Mr. Torena paints because the windows of C.A.R.S. are wide open and people could see in and could smell the odor. The applicant is offering this as a consideration to be kind to the neighbors.

Mr. Lentini stated he doesn't have the actual emissions. He also stated the major reason Westchester County is waiting, is for concurrence from this Board, not necessarily an approval, just no objections.

John Lentini understands the Board's consideration for the residents but he also stated that C.A.R.S. is not a manufacturing operation. Mr. Torena buys manufactured parts to paint but his plan is to take dents out. If he has the ability to straighten out the dent but has to take the vehicle to another location to paint, then the cost will be born by either Mr. Torena or his customer.

Mr. Lentini again stated that Mr. Torena does not plan on being a full-fledged body shop because he has no room on his property for wrecks. Mr. Lentini stated he understood the Board's approval wouldn't potentially be limited to Mr. Torena's ability to do that. He doesn't know how to convince the Board that Mr. Torena doesn't want to be a full-fledged auto repair shop. Mr. Torena is just trying to accommodate the type of work that is coming his way.

In terms of going to the next step, Mr. Lentini spoke to the Building Inspector. The applicant originally believed they did not have to file a plan because Mr. Torena's use was to repair cars, which is what he does. Mr. Lentini, personally, never had to file a special permit for paint as part of repair. In order to accommodate Westchester County's requirements, they have appeared before the Planning Board. Mr. Lentini stated he still is not certain how C.A.R.S. could be considered a manufacturer except for the purpose to defeat this application. He stated that if C.A.R.S. has to seek a variance from the Zoning Board; his fear is that their perception of potential environmental harm would be more than whether or not C.A.R.S. is considered a manufacturer.

The Chair asked Sean McCarthy if he wanted to respond to that statement.

Sean McCarthy stated the Planning Board needed to consider what potential environmental impacts would occur from introducing painting to this business.

The Chair stated the Board would definitely consider environmental impacts that but would also consider what type of business C.A.R.S. is. He also stated he thought it was a concern of Mr. Lentini at the last meeting and asked Mr. Lentini if he felt that concern no longer had any merit.

Mr. Lentini disagreed. He stated that both he and Mr. Torena spoke to Sean McCarthy at the beginning of this process and were led to believe it was a simple matter of getting County approval. The applicant stated they were taken back by Mr. McCarthy's interpretation that this could be manufacturing, which they agree is not permitted in this zone.

Sean McCarthy stated the Village is not explaining it to be manufacturing but it is a change of the existing non-conforming permitted use that is permitted in that area. He stated repairing cars with mechanical problems is different than taking a car and doing bodywork on it and painting it, because the impacts clearly are different in that neighborhood once you start to introduce the function of painting. Mr. McCarthy stated that was why it was a concern for the Building Department. He also stated whether to classify it as a manufacturing use doesn't matter; it's a change of the use that is permitted and that alone would require this Board to consider it.

Mr. Lentini stated that Zone C-1 permits auto repair not auto body. He asked if there was a zone that permitted auto body.

Sean McCarthy stated this is not specifically itemized in the current zoning code.

Mr. Lentini asked if a C-1 zone has traditionally permitted auto body and it's not a non-conforming use.

Mr. McCarthy stated the code does not say auto body. He also stated C.A.R.S. is a non-conforming use because the property does not meet the area and parking requirements for its' current use.

Mr. Lentini asked if it was an area non-conformance issue.

Mr. McCarthy stated by increasing the intensity of the use on the property, it could make the Board consider whether or not the applicant should be permitted or not.

Nicholas Cicchetti pointed out that at the top of the hill, there is Bert's Auto Body, which is in a commercial zone and backs to an R-5 zone, which are the backyards of houses on Lawrence Avenue. He also stated the question has been raised about the definition of auto repair and the Village codes that apply to this use. He asked if C.A.R.S. needs a variance to paint, then does this also apply to Bert's Auto Body where they paint auto bodies all the time. He stated C.A.R.S. is painting on a limited basis and if this applicant is subject to questions on air quality, then what about Bert's Auto Body. The Board has an obligation to protect the public.

Mr. Cicchetti asked about the technical ways to modify the painting process. Mr. Lentini responded with examples of how dents are treated in some instances and how little paint is used in certain types of repair.

The Chair asked about Westchester County Department of Health's concerns about the impact that the hazardous material might have on the public. He stated the DOH recommended to the applicant to create a booth to contain the material. He asked why the applicant decided to use a curtain method instead of a booth to contain the paint.

Mr. Torena stated he wanted to put in a paint booth but in a meeting with Westchester County DOH, the DOH told him for his purposes what was needed was a spray area.

The Chair asked what reason the DOT gave for this change. Mr. Torena explained because he was not painting whole cars so there was no need for a complete spray booth. He does need the filtration system but they are really looking for a spray area, which would be contained within a curtain. The filtration system would handle everything else.

The Chair thought that a booth would contain the material much more than a curtain. Mr. Torena agreed but stated they are not painting the whole car.

The Chair stated the Board is aware it's hazardous material, it's an air pollutant and the Board is concerned about the direction of the winds and the potential impact on the residents. Mr. Torena said even if they had a spray booth, they would still have the winds issue.

Mr. Lentini explained that booths are designed to keep dust away from the car but they actually let air in from the bottom and take it out through the top of the building. The booths are designed specifically to keep a clean environment along the surface of the car. The air that goes out the top of the building contains the same volume of VOC's, either from using a spray curtain or the booth. The booth protects the rest of the shop so there wouldn't be errant VOC's from paint particles that spray around the shop. He stated a curtain wouldn't prevent that as much as a booth but because of the volume of painting, there wouldn't be as much errant paint spray.

Mr. Lentini told how Mr. Torena painted a car in his garage years ago and wet the floor so neither the dust nor the VOC's would rise. He stated he had a fan and his wife didn't smell the paint inside the house. He said some people don't actually mind the smell of paint.

Mr. Lentini stated he wanted to approach the objectionable quality of paint. He did a study for the different qualities of odor, with ratings from hardly noticeable to noticeable to slightly unpleasant and then very unpleasant. He stated this particular smell is unpleasant to many people who believe that by smelling it, they are hurting themselves. Mr. Lentini stated he couldn't say that they are not hurting themselves.

Mr. Lentini stated the County is more concerned about the atmosphere and the applicant's rate of applying VOC's to that atmosphere. He stated Westchester County wanted to know if the applicant's emissions were directly blowing over a residence. Mr. Lentini also stated the County is concerned with the volume of emissions and the rate the applicant is applying the paint.

Glen Rosenbloom asked about the 10 or 12 objections that Westchester County had for this project.



John Lentini stated in a letter from Westchester County, dated June 22, 2012 there were 11 items to be addressed by the applicant.

- 1) The first concerned a calculation for VOC components. Mr. Lentini said every can of paint has two figures. One is the total amount of VOC's in a particular paint and the other is how many VOC's would escape when it's used. The applicant must provide Westchester County with these calculations to determine whether the amount of VOC's falls under County guidelines.
- 2) The County wanted the calculation for contaminant emissions rates, meaning what times of the day there would be emissions from the shop due to painting.
- 3) Provide sample calculations for primer, clear coat and base coat. Each element in the painting process has different amounts of VOC's and they are applied in several coats during the process.
- 4) Submit awareness concurrence for this proposal from local authorities or a letter of no objection.
- 5) Permit may be required from New York State Department of Environmental Conservation. Mr. Lentini stated he had not made this determination yet but if needed, he would apply for this permit.
- 6) The actual method to clean spray guns must be indicated on the actual plans. The County wants the calculation for the VOC's emitted from paint thinners and solvents used to clean the paint cans.
- 7) Determine if any of the spray coatings fall into the HAP (Hazardous Air Pollution) category. Mr. Lentini stated there might be one item but it's up to the engineer to determine if the applicant is using any of these items. Mr. Lentini confirmed with Mr. Torena that the flex material added to paint for certain parts such as rubber bumpers was one of these items.
- 8) Elevational view and provide details on the processing equipment – the engineer was asked to provide more detail to the plans which Mr. Lentini believed had been submitted to the County.
- 9) A differential pressure gauge to monitor the filters must be shown on the plans. This gauge will allow Mr. Torena to know when to change the filters. Mr. Lentini stated it was easier to install in a paint booth and he was not sure how it is installed with the curtain.
- 10) According to the plans, the proposed paint arresters (the spray curtain) do not cover the spraying area. Mr. Lentini stated that Westchester County DOH asked for a revision.
- 11) Form B1 - Show all the contaminants and hourly emissions. A separate sheet signed and sealed by the professional can be attached. Mr. Lentini stated the County wanted their form filled out but maybe they also wanted an additional report.

Mr. Lentini did not feel any of these objections by the County were uncommon. He said there was nothing about the neighbors in any of the comments or concerns made by Westchester County in their letter.

The Chair stated that in the minutes from the last meeting, Mr. Lentini stated “that it’s up to the County to make sure the applicant is not putting hazardous compounds in the air.”

Mr. Lentini stated that Westchester County will limit what Mr. Torena can do and what he can paint with and Mr. Torena is subject to inspection from Westchester County at any time. He stated that everything Mr. Torena purchases that is associated with the painting process must be documented including how he would dispose of used materials.

The Chair asked if this all must be approved by Westchester County. Mr. Lentini agreed.

The Chairman asked if there were comments or questions from the Board.

Hugh Jones stated that whether or not Bert’s Auto Parts is complying with existing law, should not be considered an example of why the Board would grant an additional situation. He commented that laws change over time and just because something might have happened before is not adequate justification for saying is it allowed in this particular environment.

Mr. Jones asked if the owner of C.A.R.S. has any other places of business in this County where he could paint cars legally and therefore not impose this impact on the residents of Sleepy Hollow. He stated that regardless of wind direction, people that live next to C.A.R.S. are going to know when paint is being applied.

Mr. Jones stated if there were alternatives, they should be explored even though he understood they might be more expensive.

Mr. Jones also asked if the applicant has some kind of environmental short form or long form with an identification of VOC’s and what their impact would be. He asked why the Village should grant permission until that information is provided and is demonstrated to the satisfaction of the Board.

Mr. Lentini responded to the proximity of the other auto body shop. He said the Village’s zoning states the auto body shops should be 400 feet from each other, which he believes they are.

He also stated that the Mr. Torena has a statement with a breakdown of exactly what he is permitted to paint, also what he said he would paint, approximately. Mr. Lentini stated he would provide this information to the Board when he gets it.

Hugh Jones asked about the New York State DEC environmental short form. Mr. Lentini stated the applicant had already filled out that form and indicated that there would be an odor from the paint.

John Lentini also stated that Mr. Torena has another shop in Buchanan but it would cost more for the gas to get to that location then the cost of the paint to repair a minor dent.

He suggested holding a public hearing to hear the concerns of the residents. Mr. Lentini stated he would have more information as to the actual hazards of the auto painting process. He also stated that smelling an odor doesn't necessarily mean it is being ingested although it is being absorbed to some extent. He has not looked for research or cancer studies with regard to this type of painting. Mr. Lentini made reference to General Motors paint shop and the prevailing winds stating that they were blowing across Sleepy Hollow the whole time and if that were the case, everyone in Sleepy Hollow would have had an effect from the VOC emissions.

The Chair stated the Village has great concerns about toxic materials. He referred not just to General Motors but the Duracell plant as well. Mr. Rosenbloom stated the Board couldn't offer a Letter of No Objection without hearing from the public. He asked if the Board was comfortable with that direction. The board gave their approval. He also asked if any Village staff members had anything to add. Janet Gandolfo responded no.

John Lentini asked if the Board would like to establish a radius of notification.

Sean McCarthy stated it should be within 400 feet at the minimum since that is the distance separation required by Village Code for another auto repair facility.

The Chair asked what would be reasonable and customary in this situation.

Sean McCarthy said 200 feet is the normal notification area.

The Chair stated 400 feet made sense given the subject. Mr. Lentini agreed.

Janet Gandolfo asked about the applicant's area plan and the measurements shown. She asked if 400 feet was what was suggested by Westchester County. Mr. Lentini stated the plan showed 500 feet although 1,000 feet is what was required to draw.

Ms. Gandolfo asked if Westchester County had suggested a minimum range of how far the paint odors could go. Mr. Lentini stated he would find the County's current regulations.

Janet Gandolfo asked if Mr. Lentini thought it was anywhere near to 400 feet. Mr. Lentini stated he believed by the time the VOC's reached 500 feet, there couldn't possibly be any smell.

Janet Gandolfo asked if it made sense to do the notices within the 500 feet area. Mr. Rosenbloom was comfortable with this decision. Ms. Gandolfo asked the applicant had any objections to 500 feet as the radius of notification.

Mr. Rosenbloom asked the applicant for a copy of their correspondence with Westchester County. Mr. Lentini agreed to supply the Board with this information.

The Chair asked if there were any other questions. There were none.

The minutes for October 18, 2015 were reviewed and amendments were requested.

The Chair referred to his statement regarding C.A.R.S. where he stated the importance of the applicant meeting all applicable codes not just from the Village but also from New York State and Westchester County. He stated he would like to see all documentation from Westchester County regarding this application.

Mr. Jones referred to his statement regarding A&L Properties and stated when he asked if the applicant was planning on limiting what people could store, he was referring to hazardous materials and combustibles.

The Chair asked Janet Gandolfo if she had ever seen a request from any department in Westchester County asking the Village for a letter of no objection. Ms. Gandolfo stated she had not. She stated that perhaps the applicant's paperwork from Westchester County would clarify this request since it relates to their jurisdiction and not the Village's. Ms. Gandolfo also stated she thought the applicant would already have submitted this paperwork to the Board but by the next meeting the Board should have it.

Glen Rosenbloom asked if it was necessary to have these documents prior to scheduling the public hearing.

Sean McCarthy replied the notice has to be done 20 days prior to the meeting. He agreed he would let the applicant know there is a deadline to submit the documents to the Board for review or the public hearing would need to be rescheduled.

Hugh Jones asked if the Village could contact Westchester County DOH directly regarding this matter. Janet Gandolfo suggested reviewing the documents first before speaking to the County.

The Chair asked for a motion to close the meeting.

Hugh Jones made the motion. Isabel Mendez seconded the motion.

The Chair adjourned the meeting at 9:06pm